

REMARKS

[0002] Applicant respectfully requests reconsideration and allowance of all of the claims of the application. The status of the claims is as follows:

- Claims 1-3, 5-8, 10-15, and 21-24 are currently pending.
- No claims are canceled herein.
- No claims are withdrawn herein.
- Claims 1, 8, and 21 are amended herein.
- No claims are added herein.

Claims 21-24 Recite Statutory Subject Matter Under § 101

[0003] Claims 21-24 stand rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. Applicant respectfully traverses this rejection.

[0004] Nevertheless, for the sole purpose of expediting prosecution and without commenting on the propriety of the Office's rejections, Applicant herein amends claims 24 as shown above. Applicant respectfully submits that these amendments render the § 101 rejection moot.

Cited Documents

[0005] The following documents have been applied to reject one or more claims of the Application:

- **Yen:** Yen, et al., U.S. Patent No. 6,668,278
- **Hidary:** Hidary, et al., U.S. Patent No. 5,774,644
- **Brodsky:** Brodsky, U.S. Patent No. 5,809,471
- **Chen:** Chen, et al., U.S. Patent No. 5,745,602

Claims 1-3 and 5-7 Are Non-Obvious Over Yen, Hidary, and Brodsky.

[0006] Claims 1-3 and 5-7 stand rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Yen, et al., in view of Hidary, et al., and in further view of Brodsky.. Applicant respectfully traverses the rejection.

Independent Claim 1

[0007] Applicant submits that the Office has not made a *prima facie* showing that independent claim 1 is obvious in view of the combination of the combination of Yen, Hidary, and Brodsky. Applicant submits that the combination of Yen, Hidary, and Brodsky does not teach or suggest at least the following features of this claim (with emphasis added):

- receive supplemental data sent to a multicast address, *wherein the received supplemental data relates to one or more key phrases of a closed captioning script of a video program*
- initiate an enhancement action based upon the supplemental data to enhance the video program as the video program is being played and to synchronize the supplemental data with scenes in the video program

[0008] The Office states the following with regard to this claim (Action, pp. 5-6):

The combination of Yen and Hidary still fails to explicitly disclose that "the received supplemental data relates to one or more key phrases of a closed captioning script".

Brodsky discloses that "the received supplemental data relates to one or more key phrases of a closed captioning script" (Col. 1 lines 50-62, Col. 2 lines 20-41, Col. 5 lines 36-63, i.e. Brodsky teaches that keywords are extracted from the closed-captioning to develop a dictionary of keywords that can be used to request additional information). Thus, it would have been obvious to one of ordinary skill in the art to apply

the technique of receiving supplemental data that relates to one or more key phrases of a closed captioning script as taught by Brodsky, to improve the information retrieval system of Yen for the predictable result of enabling the user to quickly and efficiently retrieve supplemental information pertaining to the program they were watching.

[0009] Applicant notes the Office has reiterated, verbatim, rejections made in the Action mailed 11/25/08. Applicant therefore submits the Office has not fully considered the application and amendments filed 03/25/09 as stipulated by 37 CFR 1.114. Subsection (d) of this rule states:

(d) If an applicant timely files a submission and fee set forth in § 1.17(e), the Office will withdraw the finality of any Office action and the submission will be entered and considered.

[0010] Applicant notes that, by virtue of having reiterated the rejection of the 11/25/08 Action verbatim, the Office has failed to address language of this claim, which was amended in the Response filed 03/25/09. Furthermore, on page 2 of the most recently mailed Action (the Action mailed 06/09/09), the Office includes a section titled "Response to Arguments". In this section, the Examiner fails to address *any* of the arguments related to combinability, which constituted more than two pages of text. Applicant therefore reiterates those arguments here and respectfully requests the Examiner consider those arguments fully as well as the new arguments presented herein.

[0011] Applicant notes the Examiner admits the combination of Brodsky with Yen presents an improvement of the system of Yen. Applicant appreciates same.

[0012] Applicant further notes that improvements are patentable according to 35 USC 101, if they are further novel and non-obvious under §102 and/or §103. The Examiner asserts only that the improvement is obvious because the resulting combination was predictable. Applicant respectfully disagrees.

[0013] Applicant submits that such an improvement was *not* predictable at least because there is no intrinsic evidence that a user would be enabled to "quickly and efficiently retrieve supplemental information pertaining to the program they were watching" by combining teachings as the Office asserts (Action p. 6).

[0014] Furthermore, the instant claim recites that "received supplemental data relates to one or more key phrases of a closed captioning script in a video program". The Office admits that the combination of teachings from Yen and Hidary fail to teach this feature, and therefore relies upon teachings from Brodsky.

[0015] However, the system that Brodsky discloses does not teach that received supplemental data relates to one or more key phrases in a closed captioning script of a video program as asserted, Brodsky merely teaches that the closed captioning script is used to generate a dictionary that is used to interpret a user's input (Col. 4, ll. 4-17 & 62-67).

[0016] Furthermore, the claim is amended herein to recite "initiate an enhancement action based upon the supplemental data to enhance the video program as the video program is being played and to synchronize the supplemental data with scenes in the video program". Applicant submits that this amendment renders the current rejection moot.

[0017] Further, Applicant submits that Brodsky when coupled with Yen and Hidary would serve to frustrate the methods of Yen and particularly those of Hidary to obviate this claim as amended herein.

[0018] Hidary discloses a method that "synchronizes the retrieved Web pages to the video content (Col 7, ll 26-27). Brodsky discloses that the dictionary is created using "recently heard words". Therefore, the retrieved supplemental content could not be synchronized with the video, because the portion with which it would synchronize has already past.

[0019] By the Examiner's admission, Yen and Hidary do not teach the claimed features noted above, and herein it has been established that Brodsky does not cure, nor properly combines to cure the deficiencies in teaching of Yen and Hidary, particularly as amended herein.

[0020] Consequently, the combination of Yen, Hidary, and Brodsky does not properly combine to teach or suggest all of the elements and features of this claim. Accordingly, Applicant respectfully requests that the rejection of this claim be withdrawn.

Dependent Claims 2, 3, and 5-7

[0021] Claims 2, 3, and 5-7 ultimately depend from independent claim 1. As discussed above, claim 1 is allowable over the cited documents. Therefore, claims 2, 3, and 5-7 are also allowable over the cited documents of record for at least their dependency from an allowable base claim. These claims may also be allowable for the additional features that each recites.

Claims 8, and 10-15 Are Non-Obvious Over Hidary, Brodsky, and Yen

[0022] Claims 8, 10-15 stand rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Hidary, et al. in view of Brodsky, and further in view of Yen, et al.. Applicant respectfully traverses the rejection.

Independent Claim 8

[0023] Applicant submits that the Office has not made a prima facie showing that independent claim 8 is obvious in view of the combination of Hidary, Brodsky, and Yen. Applicant submits that the combination of Hidary, Brodsky, and Yen does not teach or suggest the following features of this claim, as amended (with emphasis added):

- automatically and directly associating supplemental data with at least one key phrase in a closed captioning script by parsing the closed captioning script and determining an insertion point therein for the supplemental content

[0024] The Office states the following with regard to this claimed feature (Office Action, page 8-9):

Hidary fails to explicitly disclose "automatically associating supplemental data with at least one key phrase of a closed captioning script by parsing the closed captioning script and: wherein the enhancement action is initiated without user interaction".

Brodsky discloses "automatically associating supplemental data with at least one key phrase of a closed captioning script by parsing the closed captioning script" (Col. 1 lines 50-62, Col. 2 lines 20-41, Col. 4 lines 4-17, Col. 5 lines 36-63, Col. 6 lines 12-42, i.e. Brodsky teaches that keywords are extracted from the closed-captioning to develop a dictionary of keywords that can be used to request additional information. The system automatically creates the dynamically changing dictionary that associates supplemental data with the key phrases). Thus, it would have been obvious to one of ordinary skill in the art to apply the technique of receiving supplemental data that relates to one or more key phrases of a closed captioning script as taught by Brodsky, to improve the enhanced video programming system of Hiday for the predictable result of enabling the user to retrieve supplemental information pertaining to a word or group of words just heard (Col. 3 lines 52-60).

[0025] In traversal, Applicant reiterates that Brodsky does not teach or suggest relating supplemental content to a closed captioning script. At best, Brodsky suggests relating supplemental information to a dynamically changing dictionary, which may or may not have utilized a closed captioning script in its creation.

[0026] Furthermore, even if Brodsky's dictionary could be construed to contain words or phrases contained in a closed captioning script, Brodsky does not further teach the claimed "determining an insertion point therein for the supplemental content". Brodsky only mentions that the supplemental content "may be displayed in its entirety, the user may be offered topic entry segments for display, or the user may be provided with a listing of information headings for the selected topic." (Col 6, ll. 33-36)

[0027] Additionally, Applicant notes that Yen does not further cure this deficiency from Hiday.

[0028] Furthermore, Applicant reiterates that the Office has not demonstrated how this combination of references properly combines to obviate the claimed subject matter.

[0029] Consequently, the combination of Hidary, Brodsky, and Yen does not teach or suggest all of the elements and features of this claim. Accordingly, Applicant respectfully requests that the rejection of this claim be withdrawn.

Dependent Claims 10-15

[0030] Claims 10-15 ultimately depend from independent claim 8. As discussed above, claim 8 is allowable over the cited documents. Therefore, claims 10-15 are also allowable over the cited documents of record for at least their dependency from an allowable base claim. These claims may also be allowable for the additional features that each recites.

Claims 21-24 Are Non-Obvious Over Hidary, Brodsky, Yen, and Chen

[0031] Claims 21-24 stand rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Hidary, et al., in view of Brodsky and Yen, et al., and further in view of Chen, et al.. Applicant respectfully traverses the rejection.

Independent Claim 21

[0032] Applicant submits that the Office has not made a *prima facie* showing that independent claim 21 is obvious in view of the combination of the combination of Hidary, Brodsky, Yen, and Chen. Applicant submits that the combination of Hidary, Brodsky, Yen, and Chen does not teach or suggest the following features of this claim (with emphasis added):

- parse a closed captioning script to identify one or more key phrases in a closed captioning script, ***wherein each identified key phrase has the same number of words***, the parsing comprising determining a minimum number of words from the closed captioning script required to create unique phrases by iteratively selecting different word lengths and checking for duplication among the resulting created phrases

[0033] The Office states the following with regard to this claimed feature (Office Action, page 12-13):

The combination still fails to disclose "pars[ing] a ...script to identify one or more key phrases in a ...script, wherein each identified key phrases has the same number of words, the parsing comprising determining a minimum number of words from the ...script required to create unique phrases by iteratively selecting different word lengths and checking for duplication among the resulting created phrases..."

Chen teaches "pars[ing] a ...script to identify one or more key phrases in a ...script, wherein each identified key phrases has the same number of words (Col. 1 lines 6-10, Col. 3 lines 3-25, i.e. Chen discloses a system to automatically identify key phrases from a machine readable document. Initially, processor (11) selects phrases of two words to generate a list of phrases. Thus, each identified key phrases has the same number of words), the parsing comprising determining a minimum number of words from the ... script required to create unique phrases by iteratively selecting different word lengths and checking for duplication among the resulting created phrases..." (Col. 4 lines 40-54, Col. 5 lines 20-30, Col. 6 lines 31-60, i.e. Chen teaches creating unique key phrases by sequentially checking different phrase lengths to determine if the phrase is unique. If it is determined that the phrase is a subphrase/duplicate then it will be removed from the key phrase list).

[0034] Applicant has reviewed the cited sections of Yen, and can not find where Yen teaches the claimed "wherein each identified key phrase has the same number of words".

[0035] In Col. 3, ll. 8-9 Yen states that "processor 11 extracts from each sentence non-overlapping phrases of **two or more words**" (emphasis added). There is no suggestion in any further portion of the disclosure within Chen to suggest that "each

identified key phrase has the ***same number of words*** as claimed since "two or more" is wholly indefinite.

[0036] Consequently, the combination of Hidary, Brodsky, Yen, and Chen does not teach or suggest all of the elements and features of this claim. Accordingly, Applicant respectfully requests that the rejection of this claim be withdrawn.

Dependent Claims 22-24

[0037] Claims 22-24 ultimately depend from independent claim 21. As discussed above, claim 21 is allowable over the cited documents. Therefore, claims 22-24 are also allowable over the cited documents of record for at least their dependency from an allowable base claim. These claims may also be allowable for the additional features that each recites.

Conclusion

[0038] In light of the forgoing amendments and remarks, early reconsideration and allowance of this application are most courteously solicited. Should the Examiner feel that a personal discussion might be helpful in advancing this case to allowance, they are invited to telephone or e-mail the undersigned.

[0039] In addition, it is believed that all of the pending claims have been fully addressed. However, the absence of a reply to a specific rejection, issue, or comment does not signify agreement with or concession of that rejection, issue, or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed.

[0040] Finally, nothing in this communication should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this communication, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Respectfully Submitted,

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